

JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

BRIAN J. STRETCH (CASBN 163973)  
Chief, Criminal Division

CHRISTINA M. McCALL (CASBN 234139)  
Assistant United States Attorney

1301 Clay Street, Suite 340-S  
Oakland, CA 94612  
Telephone: (510) 637-3717  
Fax: (510) 637-3724  
E-mail: [christina.mccall@usdoj.gov](mailto:christina.mccall@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND BRANCH

UNITED STATES OF AMERICA,	)	No. CR 09-00812 SBA
	)	
Plaintiff,	)	
	)	
v.	)	STIPULATION AND
	)	ORDER TO CONTINUE STATUS
	)	CONFERENCE TO MARCH 9,
MCCORL GILMORE, JR.,	)	2010
aka Guy Leon McClay,	)	
	)	
	)	
Defendant.	)	
	)	

The above-captioned matter is set on February 23, 2010 before this Court for status conference. The parties request that this Court vacate that date and set this matter for status conference on March 9, 2010 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and March 9, 2010. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Such continuance is required because Mr. Gilmore's attorney needs to meet with him at

STIPULATION AND EXCLUSION OF TIME  
CR 09-00812 SBA

1 the jail to review discovery and research related to career offender status, and Mr. Gilmore's  
2 attorney will be out of the district for the majority of the business week of February 22, 2010.  
3 This continuance will allow the reasonable time necessary for effective preparation, taking into  
4 account the exercise of due diligence.

5 As such, the parties respectfully request that the time between February 23, 2010 and  
6 March 9, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

7  
8 DATED: February 24, 2010

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO  
10 United States Attorney

11 /s/ Christina McCall  
12 CHRISTINA McCALL  
Assistant United States Attorney


13 /s/ J. Frank McCabe  
14 J. FRANK McCABE  
Attorney for McCorl Gilmore, Jr.

15 **ORDER**

16 Based on the reason provided in the stipulation of the parties above, the Court hereby  
17 FINDS that for adequate preparation of the case by all parties, and in the interest of justice,  
18 pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted  
19 under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the  
20 hearing is continued until March 9, 2010 at 9:00 a.m., and time is excluded until March 9, 2010.

21  
22 **IT IS SO ORDERED.**

23 DATED: 2/22/10

24   
SAUNDRA BROWN ARMSTRONG  
United States District Judge

25  
26  
27  
28 STIPULATION AND EXCLUSION OF TIME  
CR 09-00812 SBA